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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79834

Hideaki TADA, et al.

Appln. No.: 10/774,378

Group Art Unit: 1646

Confirmation No.: 1872

Examiner: Eileen B. O'HARA

Filed: February 10, 2004

For: NOVEL POLYPEPTIDES, DNAS ENCODING THE SAME AND USE THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Office Action, dated August 8, 2006. In response to the Restriction Requirement, Applicant elects Group I, Claims 12-12 and 20-23 (drawn to polypeptides) for examination. This election is made with traverse on the ground that Claim 30 relating to a production process of the polypeptide should be included in Group I.

Upon indication of allowable subject matter, Applicant requests rejoinder of Group II claims.

The request for rejoinder is made pursuant to MPEP §821.04(a). Specifically, MPEP §821.04(a) states that where restriction was required between independent or distinct products, or between independent or distinct processes, and all the claims directed to an elected invention are allowable, any restriction requirement between the elected invention and any non-elected invention that depends from or otherwise requires all the limitations of an allowable claim should be withdrawn.

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In the present case, all of the claims of Group II require all the limitations of at least one of claims 11, 12, 20, 21 and 22 of Group I.

Applicant reserves the right to file a Divisional Application directed to non-elected claims that are not examined with group I or rejoined.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

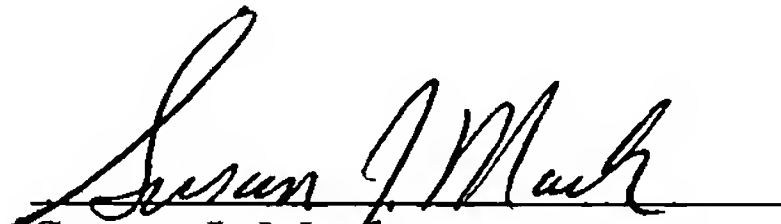
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Susan J. Mack
Registration No. 30,951

Date: September 8, 2006